



The National Prosecuting Authority of South Africa  
 Igunya Jikelele Labotshutshisi boMzantsi Afrika  
 Die Nasionale Vervolgingsgeseg van Suid-Afrika

## RECRUITMENT AND SELECTION POLICY FOR THE NATIONAL PROSECUTING AUTHORITY

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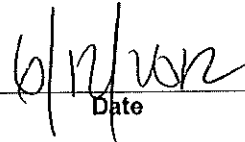
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### Approval

The signatories hereof, being duly authorised thereto, determine and issue hereby the official Recruitment and Selection Policy of the National Prosecuting Authority.



Acting Chief Executive Officer: Adv K Van Rensburg

  
Date

### Revision History

Revised Series	Version/Revision	Change Control Meeting Date	NPA Approval Date

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**A. INTRODUCTION**

1. Members of the National Prosecuting Authority (NPA) have a significant and trusted role to play in national affairs. The NPA acts on behalf of the state and the public. The public, therefore, has a right to expect good governance, assurance and credibility from the NPA. Moreover, the NPA owes it all employees in the NPA to present a clear set of guidelines that govern the way the organisation goes about its business.
2. As guardians of the law, the NPA and its employees must be seen to act within the parameters of the law at all times and under all conditions and circumstances. As an organisation committed to upholding justice in the country the NPA has a particular obligation to ensure that its actions are fair and just at all times. As defenders of the public interest in the courts, the NPA must be above criticism, must maintain the highest standard of honesty, transparency and incorruptibility.
3. This Recruitment and Selection Policy (this Policy) provides the highest level of authority on the rules and standards for recruitment and selection, as well as all functions, activities and processes incidental thereto.

**B. POLICY STATEMENT**

4. The NPA is committed to achieving a work force that is broadly representative of the South African people and to using employment and personnel management practices that are based on ability, objectives and fairness and in line with relevant labour legislation and organisational policies and strategies.

**C. OBJECTIVES OF POLICY**

5. This policy must be utilised to obtain or retain the necessary skills and competencies to meet the NPA's strategic objectives and operational needs.
6. This Policy is aimed at ensuring that consistency is maintained in the filling of posts.
7. Recruitment and selection processes must also be used to establish and promote a positive image of the NPA as the Employer of Choice.



D. POLICY IMPLEMENTATION

8. The Recruitment and Selection Policy (this Policy) will be implemented with immediate effect upon its approval.

E. SCOPE OF APPLICATION

9. This Policy reflects management's commitment and approach to people and skills sourcing.
10. This Policy applies to all:-
- a. Administrative personnel contemplated in section 6(2)(e) of the National Prosecuting Authority Act, 1998 (Act No 32 of 1998) (NPA Act), to be appointed in the NPA in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994);
  - b. Deputy Directors of Public Prosecutions and prosecutors to be appointed in terms of section 15 and 16 of the NPA Act, respectively.

F. ABBREVIATIONS AND DEFINITIONS

11. In this Policy unless the context indicates otherwise-

“CEO” means the Chief Executive Officer of the NPA;

- (a) “**closely related**” means any person having a close relationship with any of the candidates either by way of birth, marriage or close friendship with any of candidates and such a person may have a direct or indirect influence in the selection process;
- (b) “**competency**” means the blend of knowledge, skills, experience and aptitude that a person can apply in the work environment, which indicates a person's ability to meet the requirements of a specific post;
- (c) “**delegated authority**” a person holding a particular position which has been given authority in terms of the delegations of authority framework on one or more aspects relating to the implementation of this policy;
- (d) “**DPSA**” means the Department of Public Service and Administration;
- (e) “**designated group**” as defined in the Employment Equity Act, 1998 (Act No. 55 of 1998);
- (f) “**EE**” means Employment Equity;
- (g) “**employee**” means a person as defined in the Labour Relations Act, 1995 (Act No. 66 of 1995), read with the Public Service Act, 1994 (proclamation 103 of 1994)



- (h) **"grading"** means the NPA process of determining the appropriate salary level of a post based on a scientific process by means of the Equate System;
- (i) **"head-hunting"** means the process of approaching qualifying candidates to apply for a job through individuals or employment agencies;
- (j) **"HRM&D"** means the Human Resources Management and Development service centre of the NPA
- (k) **"Inherent job requirements"** means the fundamental tasks that define a job or category of jobs that must be carried out to get the job done and may not define all the requirements of a job;
- (l) **"job"** means the basic duties, tasks, functions and responsibilities according to which one or more posts of the same grade are established;
- (m) **"NPA"** means the National Prosecuting Authority and "organisation has a corresponding meaning;
- (n) **"people with disabilities"** means people who have a permanent, long term or recurring physical or mental impairment, which substantially limits their prospect of entry or advancement in employment and "candidates with disabilities" has a corresponding meaning;
- (o) **"salary range"** means a set of salaries that form a part of a salary scale linked to a specific grade and, by extension, a set of job weights; and
- (p) **"structured interviews"** means interviews where questions are prepared beforehand and all candidates are asked the same questions

**G. APPLICABLE LEGISLATION, POLICIES AND DOCUMENTS**

6) This Policy is in compliance and guided by the following legislation and government policies

- (a) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).
- (b) The National Prosecuting Authority Act, 1998 (Act No. 32 of 1998).
- (c) The Employment Equity Act, 1998 (Act No. 55 of 1998).
- (d) The Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- (e) The Public Service Act, 1994 (Proclamation No. 103 of 1994), and Public Service Regulations.
- (f) The Labour Relations Act, 1995 (Act No. 66 of 1995).
- (g) The White Paper on Affirmative Action, 1998.
- (h) The White Paper on Human Resources Management, 1997.
- (i) The White Paper on the Transformation of the Public Service, 1995.
- (j) The Skills Development Act, 1998 (Act No. 97 of 1998).
- (k) The White Paper on an Integrated National Disability Strategy, 1997.



- (l) The Code of Remuneration (CORE).

## H. POLICY PROVISION

### 7. AUTHORISATION TO FILL A VACANCY

- 7.1 The delegated authority must, before filling a vacancy that has arisen either through the vacation of a position or the creation of a new position—
- (a) confirm that the post is required to meet the objectives of the NPA;
  - (b) confirm with HRM&D that the post exists on the approved establishment; and
  - (c) ensure that the post is funded

### 8. ADVERTISEMENT

- 8.1 All posts from level 9 and above must be advertised nationally both within and outside the public service.
- 8.2 Posts from level 1 to 8 must be advertised internally on the Intranet and/or by way of DPSA circular and in the media on request.
- 8.3 The following principles must be adhered to when advertising:
- (a) Advertisements may not favour, prejudice or discriminate against any applicant except in respect of reaching the EE targets of the NPA.
  - (b) When specific designated groups are targeted for posts, this must be mentioned in the advertisement.
  - (c) The full job content and post requirements must be set out.
  - (d) The advertisement should attract the widest pool of applicants especially those from the designated group in a cost effective manner.
  - (e) Advertising must promote staff mobility, utilisation and career development opportunities
  - (f) The closing date for advertisements must be at least 14 (fourteen) calendar days after the date of advertisement



8.4 Reasonable accommodation must be provided to attract candidates with disabilities, and the following are, among others, methods to be considered:

- (a) The Website address of PWD/ Recruitment Agencies.
- (b) The Local radio stations through the Communication Unit.
- (c) Head-hunting.

8.5 All permanent posts must be advertised in line with the NPA recruitment processes with the exceptions set out below.

8.6 All non-permanent posts must be advertised in line with the Departmental Recruitment process.

8.7 The applications for posts that were previously advertised may be considered to fill a similar vacant post that is advertised not more than six months after the closing date.

8.8 Advertisements must be compiled based on the input received from the delegated authority and placed by the HRM&D at National Office after sign off by the delegated authority.

8.9 The NPA in all instances reserves the right to withdraw / amend an advert for a post and retains the right not to fill an advertised post as determined by the Head of Office / Executive Manager: HRM&D.

## 9. RECEIPT OF APPLICATIONS

9.1 Applications must be managed in accordance with procedures determined by the Executive Manager: HRM&D from time to time.

9.2 All applications for posts at the NPA National Office must be processed by HRM&D, and applications for posts in the regions must be processed by Human Resources Practitioners in the regions.

## 10. SELECTION COMMITTEE

10.1 The delegated authority must appoint Selection Committees to make recommendations of appointment for each relevant post.





- 10.2 The Selection Committee consist of at least three members who are employees of a grading equal to or higher than the grading of the post to be filled or suitably qualified persons from outside the NPA.
- 10.3 The chairperson of the Selection Committee must be a permanent employee within the public service and of a grading higher than the post to be filled.
- 10.4 If the manager of the component within which the vacant post is located is graded lower than the post to be filled but is duly appointed to carry out managerial functions of that component, she or he may be a member of the Selection Committee and, where necessary, can chair the panel.
- 10.5 A Selection Committee must include adequate representation of designated groups.
- 10.6 Employees of a level which is lower than the grading of the post to be filled may provide advisory and / or secretarial services during the selection process, but may not form part of the Selection Committee.
- 10.7 All Selection Committee members are obliged to sign declaration forms and are expected to maintain confidentiality throughout the selection process. Disciplinary actions must be instituted against any member who may disclose information during selection process, including the period up until the final approval is obtained.
- 10.8 Members of the Employment Equity (EE) forums are allowed to participate as observes in the selection process as EE representatives. In the case where an EE representative wishes to participate in the recruitment process the following must be observed:
- (a) The EE forum chairperson must direct a request in writing to chairperson of the Selection Committee
  - (b) The EE representative may be granted permission to participate by the chairperson after consultation with the Head of the Business Unit and / or Executive Manger: HRM&D.
  - (c) The EE representative may participate in the short listing and interviews and carry out his / her responsibility as contained in the EE policy of the NPA
- 10.9 Should the EE representative who attends the selection process find that the process was not transparent, fair or non complaint with EE, he / she must file a report within three days of the sitting



of the committee with HRM&D for consideration before approval of the committee's recommendation.

10.10 Should an EE representative not be able to attend after being authorised thereto, the selection process must proceed as scheduled.

## 11. SELECTION PROCESS

11.1 The pre-selection process is the overall responsibility of HRM&D and/or its representative.

11.2 The Selection Committee must determine a short list of candidates to be interviewed and these must include only those applicants assessed as having met the minimum post requirements and also having fully completed and submitted all required documents.

11.3 The completion of an application form (Z83) is compulsory for all candidate considered for appointment.

11.4 Notwithstanding paragraph 11.2 above, EE candidates must also be shortlisted based on potential and preference must always be given to people with disabilities.

11.5 The final short-list for interview must consist of a minimum of three candidates for a post unless justifiable reasons exist for a lesser number.

11.6 In cases where a particular post is advertised and a similar post becomes vacant while the process is unfolding, such a post may be filled using the same pool of applications and this must be recorded in the appointment submission for approval.

11.7 The provision in paragraph 11.6 above may be extended up to a period of three months after the filling of the advertised post in instances where the same or similar post becomes vacant. The same batch of applications may be used for short listing to fill the new vacancy.



12. INTERVIEWS

- 12.1 The interview questionnaire should be structured and based on the inherent job requirements. Care should be taken not to include biased or discriminatory questions.
- 12.2 Minutes and / or recordings of the interview proceedings must be kept.
- 12.3 The criteria used during the interview process and EE representative report (where applicable) must be retained to justify the decisions of the Selection Committee.
- 12.4 Where the panel members fail to reach consensus with regard to recommendation of the most suitable candidate for a post, the reasons for not reaching consensus must be recorded in the submission.
- 12.5 Reasonable accommodation must be provided to people with disabilities in line with applicable policies and Employment Equity requirements

13. COMPETENCY ASSESSMENT

- 13.1 All Senior Management Services applicants must be subjected to a competency assessment in line with DPSA prescripts. For any other position, the Selection Committee must decide whether competency assessment should form part of the selection process.
- 13.2 The competency assessment must be considered by the Selection Committee, when deciding on the candidate to be recommended taking into account the inherent requirements of the job as it relates to the performance of the candidates against the relevant dimension in the assessment.

14. REFERENCE AND BACKGROUND CHECKS

- 14.1 Reference and background checks must be facilitated and/or conducted by the delegated HR Practitioner on recommended candidates. Such background and reference checks must be recorded and form part of the selection of suitable candidates. The background checks must include the following:



- (a) Criminal record checks.
- (b) Citizenship verifications.
- (c) Qualification/study verifications.
- (d) Previous employment verifications (reference checks).
- (e) Financial / credit checks

14.2 Where adverse remarks which may disadvantage the applicant are made during background and reference checking, the candidates may be informed and be given an opportunity to respond. This must be done by the HR Practitioner who must ensure that such information is disclosed to the Selection Committee or the chairperson for consideration during decision making

#### 15. RECOMMENDATIONS/ APPROVALS

15.2 Submissions must be prepared by the HR Practitioner in a prescribed format indicating recommended candidate/s in order of preference to be considered for appointment.

15.3 Candidates who performed below the average and/or scores less than 50% must not be recommended for appointment. However, this does not preclude the selection panel from setting a higher score as a benchmark for exclusion.

15.4 A job applicant may not be regarded as a successful candidate until the executing authority or delegated authority has approved the recommendation of the Selection Committee, and the candidate has received a signed offer of employment.

15.5 Where the Selection Committee makes recommendations that may not enhance representivity, and the candidature included previously disadvantaged persons, the submission, with reasons for such deviation must be forwarded to the delegated authority for approval / disapproval.

15.6 In such event, the delegated authority must consider written reports by the HR Practitioner and where applicable, must attach the EE representatives' report with regard to the interview process.

15.7 Appointments must be done in line with the relevant legislative requirements/ prescripts except where the delegated authority has approved the relaxation of certain requirements.



15.8 The relaxation of job requirements may be considered for scarce skills as defined in the applicable framework, policies and relevant legislation or where the market was fully tested and candidates could not be identified. The approval for this deviation must be granted by the delegated authority.

## 16. HEAD-HUNTING

16.1 The practice of head-hunting may only be undertaken where the normal recruitment process has been exhausted in identifying a suitable candidate for a position or it is specifically for people with disabilities.

16.2 Head-hunting through referrals and use of recruitment agencies and other relevant sources may be used to identify possible candidates where skills are scarce or could not be attracted after the labour market has been tested.

16.3 Once the candidates have been identified, the normal process of selection must be applied by the Selection Committee.

16.4 Head-hunting may run concurrently with the re-advertising process.

## 17. EMPLOYMENT OF CLOSELY RELATED PERSONS

17.1 The NPA recognises that every individual has a right to a just administrative system. However members of the Selection Committee may not participate in a selection process where a friend, family member or a closely related person is involved, and in such instances are required to recuse him/herself from the selection process.

17.2 Where possible, appointment of closely related persons in the same unit should be avoided.

## 18. COUNTER OFFER/AWARDING OF HIGHER NOTCHES

18.1 A counter offer or awarding of higher notch may be applied for purposes of attracting or retaining candidates with scarce / critical skills.



- 18.2 The awarding of a higher notch may be considered when a prospective candidate's remuneration package is more than the offer made by the NPA. The notch offered must be calculated within the salary range applicable to the advertised post and must be within the comparable notch. The calculations must be based on salary package / an all inclusive remuneration package provided funds are available.
- 18.3 The counter offer must be applied to retain competent or employees with scarce / critical skills by offering a comparable notch within the salary range.
- 18.4 The candidates must provide current, sufficient and acceptable proof of the remuneration package on which the counter offer/higher notch must be based.
- 18.5 Once the candidate accepts the offer in writing, no further negotiations on the remuneration package may be entered into

19. EMPLOYMENT OF FOREIGNERS

- 19.1 Job opportunities in the NPA must, as far as possible, be reserved for South African citizens and permanent residents.
- 19.2 However, where it is not possible to fill a vacancy with a South African citizen due to scarcity of skills in the local labour market, consideration may be given to the employment of non-SA citizens on a contract basis provided that—
- (a) applicants are in possession of a valid SA work permit;
  - (b) transfer of skills within the NPA is guaranteed as a condition of employment and such skills transfer is formally monitored; and
  - (c) security vetting of foreigners must be conducted through the NPA Security and Risk Management Service Centre

20. EMPLOYMENT OF NON-PERMANENT EMPLOYEES

- 20.1 Non-permanent employees must be appointed based on the following conditions:



- (a) Where the incumbent of the post is expected to be absent for such a period that her/his duties cannot be performed by other personnel.
- (b) A temporary increase in work load occurs.
- (c) It is necessary for any other reason to temporarily increase the staff of the NPA.
- (d) Funds are available.

20.2 The request for advertising and appointment of a non-permanent employee must be accompanied by a strong motivation to the delegated authority for approval.

20.3 All non-permanent appointments must be for a specified fixed term not exceeding 12 (twelve) months except where dictated by the life span of a project.

20.4 Non-permanent appointments may be extended once only for a period not exceeding 6 (six) months where a motivation must be attached and submitted for approval to a delegated authority. Approval beyond this period must be guided by the nature of the project and other factors within the NPA that dictates otherwise.

20.5 Candidates for employment of non-permanent employees may be sourced from responses of previous adverts of the same or similar positions not older than 12 (twelve) months.

20.6 Appointment of casual employees must be sourced through regional/national HR database which must be monitored and maintained annually.

## 21 EMPLOYMENT CONTRACT VERSUS LEGAL OBLIGATION

22.1 Managers must comply with all statutory requirements when entering into an employment contract with their appointees.

22.2 Where there is any change in appointments from Public Service Act to NPA Act appointment or *vice versa*, the applicable appointment measures including the determination of salary must apply even if it this entails a reduction in salary



23. RE-APPOINTMENT OF FORMER EMPLOYEES

23.1 The Executing Authority or delegated official as set out in Delegations of Authority Framework of the Department may not re-appoint a former employee where—

- (a) the original grounds for termination mitigate against re-employment;
- (b) termination from the public service was due to ill-health and there is no recent and conclusive evidence of recovery; and
- (c) the former employee left the Public Service on condition that she or he would not accept or seek re-appointment

23.2 The importance of transfer of skills should be taken into account when a decision to re-appoint is made especially if the former employee has skills which are valuable to the NPA.

24. TRANSFERS

24.1 The NPA may only consider a lateral transfer of an employee who has occupied a post at the same level with similar functions on a permanent capacity for a minimum period of 24 (twenty four) months

24.2 The NPA may only consider a lateral transfer without advertising where a vacant post exists with same or similar functions and such transfer is not in conflict with any other Human Resource Policy & Public Service Prescripts.

24.3 The provision in paragraph 21.2 above may be waived in a case of cross transfer between employees on same or similar positions.

25. RECRUITMENT AND TRANSFER COSTS

25.1 The cost associated with the recruitment process including subsistence and travelling of candidates must be borne from the applicable budget subject to availability of funds.

25.2 The employee must carry the relocation costs where a transfer is self initiated.





- 25.3 The Unit/ Branch/Region where a post is to be filled must carry the costs of the relocation if employer-initiated or suitable candidate identified through the recruitment process.
- 25.4 Prior approval must be obtained for any associated costs related to the recruitment process before date of interviews.
- 25.5 Any costs emanating from non-attendance of interviews after confirmation for such must be recovered from the candidate in accordance with the applicable policies

**H MONITORING AND EVALUATION**

- 26. The adequacy as well as effectiveness of this Policy must be reviewed and updated in accordance with the prescriptions as set out in the NPA Policy on Policies. During the period of review, feedback must be invited from all relevant role players on this Policy as well as its implementation.

**I. COMPLIANCE**

- 27. In the event of non-compliance with any provisions of this Policy, disciplinary steps may be taken against responsible officials. This Policy must be read in conjunction with other NPA Human Resources Policies

**J. BUDGET IMPLICATIONS**

- 28. Budget for the implementation of this Policy must primarily be provided within HRM&D budget and budget for regions and business units.

**K. REFERENCE LIST**

- 29. This Policy is based on the Policy of the Department of Justice and Constitutional Development, which Policy was consulted in the bargaining chamber.

**L. LIST OF ANNEXURES**

NPA Employment Equity Strategy 2016



**M. REPEAL OF POLICIES AND DOCUMENT**

This Policy repeals the current policy approved by the Acting CEO, Adv. Karen Van Rensburg on the 28<sup>th</sup> of February 2012

A handwritten signature in black ink, consisting of a stylized, cursive letter 'K' followed by a horizontal line.